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EXAMINER

LIU, BEN H

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,156	<b>Applicant(s)</b> NORHAMMAR ET AL.	
	<b>Examiner</b> BEN H. LIU	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7 and 9-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 9-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to an amendment/response filed on July 17<sup>th</sup>, 2008.
2. Claims 1, 2, 4, 6, 7, 9-18, 20-27 and 29 have been amended.
3. Claims 3 and 8 have been cancelled.
4. No claims have been added.
5. Claims 1, 2, 4-7, and 9-29 are currently pending.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-11, 13, 15-23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Dudkowski (U.S. Patent 7,006,154).

**For claim 1**, Dudkowski discloses a method of forming an output media stream to be transmitted during a communication session from a portable communication device wherein said output media stream comprises signals of a first media type, the method comprising:

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generating in real time a first media stream in the portable communication device (*see column 5 lines 9-19 and figure 1, which recite a camera that captures live video streams to be broadcast in real time*),

combining in real time the first media stream with a second media stream (*see column 5 lines 9-19 and figure 1, which recite a plurality of cameras that can generate more than one streams of video media*) to form the output media stream wherein combining comprises combining signals of the first media type from the first media stream with signals of the first media type from the second media stream (*see column 5 lines 34-38 and figure 1, which recite a mixer 120 that mixing the video signals*), and

transmitting said output media stream (*see column 8 lines 14-17 and figure 1, which recite an output panel 180 for transmitting the output media stream*).

**For claim 2**, Dudkowski discloses a method of forming an output media stream, wherein said output media stream comprises signals of a second media type (*see column 5 lines 34-38 and figure 1, which recite mixer 120 that is further configured to mix audio signals in addition to video signals*).

**For claim 4**, Dudkowski discloses a method of forming an output media stream further comprising: establishing a connection with another device (*see column 8 lines 14-17 and figure 1, which recite an output panel 180 for transmitting the output media stream to various devices*).

**For claim 5**, Dudkowski discloses a method of forming an output media stream wherein said connection is a circuit-switched connection (*see column 8 lines 17-24, which recite establishing connections with various devices such as a circuit switched connection with a satellite device*).

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**For claim 6**, Dudkowski discloses a method of forming an output media stream, in which at least one of generating and/or combining is dependent on input data from a user of said portable communication device (*see column 5 lines 34-38, column 7 lines 66-67 to column 8 lines 1-8 and figure 3, which recite mixer 120 or 320 that enables the director of an event to make various adjustments to the signals*).

**For claim 7**, Dudkowski discloses a method of forming an output media stream, wherein the combining comprises combining signals of the first media type from the first media stream with signals of a second media type from the second media stream (*see column 5 lines 34-38 and figure 1, which recite mixer 120 that is configured to mix input video and input audio signals*).

**For claim 9**, Dudkowski discloses a method of forming an output media stream, wherein of combining further comprises combining signals of a second media type from the first media stream with the signals from the second media stream (*see column 5 lines 34-38 and figure 1, which recite mixer 120 that is configured to mix input audio from a first stream with input video or audio signals from a second stream*).

**For claim 10**, Dudkowski discloses a method of forming an output media stream, wherein combining further comprises combining signals from the first media stream with signals of the second media type from the second media stream (*see column 5 lines 34-38 and figure 1, which recite mixer 120 that is configured to mix input video or audio from a first stream with input audio signals from a second stream*).

**For claim 11**, Dudkowski discloses a method of forming an output media stream, wherein combining further comprises combining signals of the second media type from the first media stream with signals from the second media stream (*see column 5 lines 34-38 and figure 1,*

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*which recite mixer 120 that is configured to mix input audio from a first stream with input video or audio signals from a second stream).*

**For claim 13**, Dudkowski discloses a method of forming an output media stream, wherein of combining further comprises independently combining signals of the first media type and signals of the second media type (*see column 5 lines 34-38 and figure 1, which recite mixer 120 that is configured to mix input video from a first stream with input audio signals from a second stream*).

**For claim 15**, Dudkowski discloses a method of forming an output media stream wherein the signals of the first media type are audio signals so that the signals of the first media type from the first media stream comprise first audio signals and the signals of the first media type from the second media stream comprise second audio signals, wherein combining further comprises superposing the first and second audio signals of the first and second media streams (*see column 5 lines 22-24 and figure 1, which recite mixing one or more input audio signals*).

**For claim 16**, Dudkowski discloses a method of forming an output media stream wherein the superposing comprises weighting properties of the audio signals from the first media stream and the second media stream (*see column 7 lines 66-67 and column 8 lines 1-8, which recite an audio monitoring system 160 that displays and controls the volume of the various audio input signals*).

**For claim 17**, Dudkowski discloses a method of forming an output media stream wherein the signals of the first media type are image signals so that the signals of the first media type from the first media stream comprise first image signals and the signals of the first media type from the second media stream comprise second image signals, wherein combining further

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comprises of blending the first and second image signals of the first and second media streams *(see column 5 lines 25-28 and figure 1, which recite mixing one or more input video signals)*.

**For claim 18**, Dudkowski discloses a method of forming an output media stream wherein blending comprises weighting properties of the image signals from the first media stream and the second media stream *(see column 6 lines 18-23, which recite mixer 120 that allows various transitions and special effects for combining and blending video signals such as fades, dissolves, zooms, and trailing effects wherein the amount that each input signal contributes to the output signal is the weight property of the image)*.

**For claim 19**, Dudkowski discloses a method of forming an output media stream wherein weighting properties includes varying the proportion of signals from the first media stream in relation to the proportion of signals from the second media stream *(see column 7 lines 66-67 and column 8 lines 1-8, which recite an audio monitoring system 160 that includes volume controls used to vary the proportion of audio input signals)*.

**For claim 20**, Dudkowski discloses a method of forming an output media stream wherein weighting properties is dependent on input data of a user of said portable communication device *(see column 7 lines 66-67 and column 8 lines 1-8, which recite an audio monitoring system 160 that includes volume controls accessible by a director to vary the proportion of audio input signals)*.

**For claim 21**, Dudkowski discloses a method of forming an output media stream wherein varying said proportions comprises varying of each proportion within the range between 0 and 100% *(see column 5 lines 34-38 and column 7 lines 66-67 to column 8 lines 1-8, which recite an audio monitoring system 160 that includes volume controls accessible by a director to vary the*

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*proportion of audio input signals wherein audio signals can be completely switched so that one signal contributes 100% and another signal contributes 0%).*

**For claim 22**, Dudkowski discloses a portable communication device configured to form an output media stream to be transmitted during a communication session from said portable communication device, wherein said output media stream comprises signals of a first media type, said portable communication device comprising:

at least one generating unit configured to generate a first media stream (*see column 5 lines 9-19 and figure 1, which recite a camera that captures live video streams to be broadcast in real time*),

a first combining unit (*see column 5 lines 34-38 and figure 1, which recite a mixer 12*), connected to said generating unit, wherein the first combining unit is configured to combine in real time the first media stream with a second media stream (*see column 5 lines 9-19 and figure 1, which recite a plurality of cameras that can generate more than one streams of video media*) and wherein the first combining unit is configured to combine signals of the first media type from the first media stream with signals of the first media type from the second media stream to form the output media stream (*see column 5 lines 40-44 and figure 1, which recite a mixer 120 containing circuitry that is configured to mix a plurality of video signals*),

a control unit configured to control the generating unit and the combining unit, in dependence of user input, and

a transmitter configured to transmit said output media stream (*see column 8 lines 14-17 and figure 1, which recite an output panel 180 for transmitting the output media stream*).



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**For claim 23**, Dudkowski discloses a portable communication device configured to form an output media stream to be transmitted during a communication session from said portable communication device, wherein the first combining unit is configured to combine signals of the first media type of both the first and the second media streams, wherein the output media stream comprises signals of the first media type and a second media type, wherein the portable device further comprises:

a second combining unit, configured to combine signals of the second media type of the first media stream and signals of the second media type of the second media stream by using the second combining unit (*see column 5 lines 44-46 and figure 1, which recite mixer 120 containing additional circuitry that is further configured to mix audio signals in addition to video signals*).

**For claim 25**, Dudkowski discloses a portable communication device configured to form an output media stream, further comprising a user input interface configured to provide user input (*see column 5 lines 34-38, column 7 lines 66-67 to column 8 lines 1-8 and figure 3, which recite mixer 120 or 320 that enables the director of an event to make various adjustments to the signals*).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 12, 14, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkowski (U.S. Patent 7,006,154) in view of Horn et al. (U.S. Patent 5,953,049).

**For claim 12**, Dudkowski discloses all the subject matter of the claimed invention with the exception wherein the method of forming an output media stream further comprises delaying, prior to combining, signals of one media type of the second media stream in relation to the other media type of signals of the same stream, to provide synchronized signals from the second media stream within the output media stream. Horn et al. from the same or similar fields of endeavor disclose an adaptive audio delay control for multimedia conferencing (*see abstract*) that includes

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delaying audio signals in relation to video signals to provide synchronization (*see column 1 lines 53-65*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the adaptive audio delay control for multimedia conferencing as taught by Horn et al. with the portable communication device configured to form an output media stream as taught by Dudkowski. The adaptive audio delay control for multimedia conferencing can be implemented by coupling the cameras and audio inputs for generating input streams as taught by Dudkowski to the video and audio coder and adaptive delay controller 250 as taught by Horn et al. The motivation as suggested by Horn et al. for using the audio delay control for multimedia conferencing with the portable communication device configured to form an output media stream is to optimize the performance of the system by automatically managing audio signal delay according to conference dynamics.

**For claim 14**, Dudkowski discloses all the subject matter of the claimed invention with the exception wherein the method of forming an output media stream further comprises delaying signals of one media type within the output media stream, in relation to the other media type of signals of the same stream, to provide synchronized signals from the first media stream within the output media stream. Horn et al. from the same or similar fields of endeavor disclose an adaptive audio delay control for multimedia conferencing (*see abstract*) that includes delaying audio signals in relation to video signals to provide synchronization (*see column 1 lines 53-65*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the adaptive audio delay control for multimedia conferencing as taught by Horn et al. with the portable communication device configured to form an output media stream as taught by Dudkowski. The adaptive audio delay control for multimedia conferencing can be

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implemented by coupling the cameras and audio inputs for generating input streams as taught by Dudkowski to the video and audio coder and adaptive delay controller 250 as taught by Horn et al. The motivation as suggested by Horn et al. for using the audio delay control for multimedia conferencing with the portable communication device configured to form an output media stream is to optimize the performance of the system by automatically managing audio signal delay according to conference dynamics.

**For claim 26**, Dudkowski discloses all the subject matter of the claimed invention with the exception wherein the method of forming an output media stream further comprises a multiplexing unit configured to provide synchronization of signals of one media type from the first media stream in relation to signals of the other media type from the same first media stream, within the output media stream. Horn et al. from the same or similar fields of endeavor disclose an adaptive audio delay control for multimedia conferencing (*see abstract*) that includes delaying audio signals in relation to video signals to provide synchronization (*see column 1 lines 53-65*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the adaptive audio delay control for multimedia conferencing as taught by Horn et al. with the portable communication device configured to form an output media stream as taught by Dudkowski. The adaptive audio delay control for multimedia conferencing can be implemented by coupling the cameras and audio inputs for generating input streams as taught by Dudkowski to the video and audio coder and adaptive delay controller 250 as taught by Horn et al. The motivation as suggested by Horn et al. for using the audio delay control for multimedia conferencing with the portable communication device configured to form an output media stream

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is to optimize the performance of the system by automatically managing audio signal delay according to conference dynamics.

**For claim 27**, Dudkowski discloses all the subject matter of the claimed invention with the exception wherein the method of forming an output media stream further comprises a delaying unit configured to provide synchronized signals within the output media stream. Horn et al. from the same or similar fields of endeavor disclose an adaptive audio delay control for multimedia conferencing (*see abstract*) that includes delaying audio signals in relation to video signals to provide synchronization (*see column 1 lines 53-65*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the adaptive audio delay control for multimedia conferencing as taught by Horn et al. with the portable communication device configured to form an output media stream as taught by Dudkowski. The adaptive audio delay control for multimedia conferencing can be implemented by coupling the cameras and audio inputs for generating input streams as taught by Dudkowski to the video and audio coder and adaptive delay controller 250 as taught by Horn et al. The motivation as suggested by Horn et al. for using the audio delay control for multimedia conferencing with the portable communication device configured to form an output media stream is to optimize the performance of the system by automatically managing audio signal delay according to conference dynamics.

**For claim 28**, Dudkowski discloses all the subject matter of the claimed invention with the exception wherein the delaying unit of the method for forming an output media stream provides synchronization of signals from the second media stream, prior to combining with the first stream. Horn et al. from the same or similar fields of endeavor disclose an adaptive audio

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delay control for multimedia conferencing (*see abstract*) that includes delaying audio signals in relation to video signals to provide synchronization (*see column 1 lines 53-65*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the adaptive audio delay control for multimedia conferencing as taught by Horn et al. with the portable communication device configured to form an output media stream as taught by Dudkowski. The adaptive audio delay control for multimedia conferencing can be implemented by coupling the cameras and audio inputs for generating input streams as taught by Dudkowski to the video and audio coder and adaptive delay controller 250 as taught by Horn et al. The motivation as suggested by Horn et al. for using the audio delay control for multimedia conferencing with the portable communication device configured to form an output media stream is to optimize the performance of the system by automatically managing audio signal delay according to conference dynamics.

**For claim 29**, Dudkowski discloses all the subject matter of the claimed invention with the exception wherein the delaying unit of the method for forming an output media stream provides synchronization of signals of one media type in relation to signals of the other media type from the same second media stream. Horn et al. from the same or similar fields of endeavor disclose an adaptive audio delay control for multimedia conferencing (*see abstract*) that includes delaying audio signals in relation to video signals to provide synchronization (*see column 1 lines 53-65*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the adaptive audio delay control for multimedia conferencing as taught by Horn et al. with the portable communication device configured to form an output media stream as taught by Dudkowski. The adaptive audio delay control for multimedia conferencing can be

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implemented by coupling the cameras and audio inputs for generating input streams as taught by Dudkowski to the video and audio coder and adaptive delay controller 250 as taught by Horn et al. The motivation as suggested by Horn et al. for using the audio delay control for multimedia conferencing with the portable communication device configured to form an output media stream is to optimize the performance of the system by automatically managing audio signal delay according to conference dynamics.

12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkowski (U.S. Patent 7,006,154) in view of Silverbrook et al. (U.S. Patent 5,566,290).

**For claim 24**, Dudkowski discloses all the subject matter of the claimed invention with the exception wherein the method of forming an output media stream further comprises a memory unit configured to provide storage for the second media stream. Silverbrook from the same or similar fields of endeavor discloses an multi-media device that permits audio and video editing, storage, production and reproduction (*see abstract*) that includes a frame store 56 for storing input signals (*see column 2 lines 39-48*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the multi-media device that permits audio and video editing, storage, production and reproduction that stores input signals in a frame store as taught by Silverbrook with the portable communication device configured to form an output media stream as taught by Dudkowski. The multi-media device that permits audio and video editing, storage, production and reproduction that stores input signals in a frame store can be implemented by coupling the frame store 56 as taught by Silverbrook to the output of the input panel 110 as taught by Dudkowski to store the input signals. The motivation as suggested

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by Silverbrook for using the multi-media device including the frame store with the portable communication device configured to form an output media stream is to store the video signals and provide video information for further processing (*see column 2 lines 37-53*).

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1, 2, 4-7, and 9-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form PTO-892*).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEN H. LIU whose telephone number is (571)270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR



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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/  
Supervisory Patent Examiner, Art Unit  
2416

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